

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

1900 SAN JACINTO CENTER
98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4238
(512) 469-6100
FAX (512) 469-6180
www.tklaw.com

AUSTIN
DALLAS
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December 23, 2008

VIA CERTIFIED MAIL, RRR AND ELECTRONIC MAIL

Ms. Barbara A. Nann, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
Superfund Division (6RC-S)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Amended Unilateral Administrative Order for Remedial Investigation/Feasibility Study ("RI/FS"), effective January 31, 2008, ("UAO") for the Gulfco Marine Maintenance Superfund Site in Freeport, Texas (the "Site"), CERCLA Docket No. 06-05-05A--**Request for Extension for Submittal of Financial Assurance**

Dear Ms. Nann:

As you know, we represent The Dow Chemical Company ("Dow"). I am writing on behalf of Dow and Chromalloy American Corporation ("Chromalloy") to request an extension until April 29, 2009, to submit financial assurance of the parties' ability to complete the RI/FS at the Site. As they have done in the past, Dow and Chromalloy will submit their respective internal financial information to satisfy this requirement in 2009. Section XXIII ("Assurance of Ability to Complete Work"), Paragraph 83, of the UAO requires that such internal information be resubmitted annually on the anniversary of the effective date of the UAO. This anniversary, and thus the current financial assurance due date, is January 31, 2009. As you requested when we discussed this matter on December 16th, this letter formally documents Dow's and Chromalloy's request.

The requested extension is needed so Dow and Chromalloy may prepare their year-end financial data, including financial test documentation and financial audits. The current deadline of January 31, 2009, because it is so close to year-end, does not permit Dow or Chromalloy the time to compile, audit and prepare their year-end financial information for use in the required financial assurance demonstration.

The timing of the financial assurance submission has not been an issue in the past. The effective date of the modified unilateral order issued in 2005 was July 29th, and, therefore, the parties had until July to submit their financial assurance demonstrations. Likewise, under the current UAO, the parties had until April 29th (ninety days from the UAO's January 31st effective date) to submit their financial assurance for 2008. These later deadlines allowed Dow and Chromalloy adequate time to base their financial

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assurance on their most recent year-end financial information. In order to avoid repetitious requests, we ask that the extension, if granted, be applied to all subsequent years that such financial assurance is required. If EPA denies the requested extension, Dow and Chromalloy will be compelled to use audited 2007 financials for the financial assurance demonstration.

Thank you for your consideration of this request. We look forward to your reply.

Sincerely yours,



Elizabeth A. Webb

cc:

Mr. Gary Miller, Remedial Project Manager

U.S. Environmental Protection Agency, Region 6 (via certified mail, return receipt requested)

Mr. Brent Murray - Environmental Quality, Inc.

Mr. Rob Rouse - The Dow Chemical Company

Mr. Allen Daniels - LDL Coastal Limited, LP

Mr. F. William Mahley - Strasburger & Price, LLP

Mr. James C. Morriss III - Thompson & Knight, LLP

Mr. Eric Pastor- Pastor, Behling & Wheeler, LLC

